IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3670 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SURENDRANAGAR DISTRICT CO. OP.MILK PRODUCERS UNION LTD.

Versus

STATE OF GUJARAT

Appearance:

MR BM MANGUKIYA for Petitioner

Mr. U.R. Bhatt, AGP for Respondents No. 1, 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 18/04/2001

ORAL JUDGEMENT

Heard the learned counsel for the respective parties. Rule is made returnable today. Mr. U.R. Bhatt, learned AGP waives service of Rule for the respondents. On joint request of the learned counsel the matter is taken up for final hearing today. It is obvious on the face of the impugned order passed by the appellate authority at Annexure "E" that the appeal referred to as a revision has been refused to be entertained, rather

than dismissed on merits or dismissed for any other cause, simply on the ground that learned counsel for the revisionist therein was not present. The impugned order suggests that there is a two stage procedure namely the admission stage and the final hearing stage. The impugned order also suggests that unless sufficient cause is shown as to why the revision should not be admitted, it cannot be treated to be admitted as a matter of course.

2. Be that as it may looking to the contentions raised by the present petitioner in the present petition, and looking to the nature and magnitude of the dispute, I am of the opinion that it is just equitable and in the interest of justice that the revision be decided on merits rather than be treated as if it has been dismissed for default.

3. On the facts and circumstances of the case the impugned order at Annexure "E" is quashed and set aside and the same revision is remanded back to the revisional authority for decision on merits in accordance with law. This petition is disposed of accordingly. Rule is made absolute with no order as to costs.

4. Interest of justice further requires that the said revision be disposed of as early as possible looking to the fact that it is a revision of the year 1998. It is accordingly directed that the said revision shall be heard and decided as expeditiously as possible and preferably before 31st July 2001.

5. It is clarified that the present petitioner will not be entitled to any special notice of hearing of the revision after remand. However the first date of hearing shall be communicated to the present petitioner if he makes a special request in this regard. D.S. permitted.

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(rmr).